

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEROME HARDENE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:07-CV-1062 JCH
)	
JEREMIAH W. "JAY" NIXON and)	
ROY MUELLER,)	
)	
Respondents.)	

ORDER

This matter is before the Court upon the application of Jerome Hardene for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the undersigned finds that the applicant is financially unable to pay any portion of the filing fee.

Therefore,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**. See 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the Clerk shall docket this petition as Jerome Hardene v. Jeremiah W. "Jay" Nixon and Roy Mueller.¹

¹Petitioner has named as respondents the Federal Bureau of Prisons and the St. Louis County Jail. The proper respondent when a prisoner is attacking a state court judgment is the state officer having custody of the prisoner. See 28 U.S.C. § 2254, Rule 2(a) and (b). Because petitioner appears to be currently confined in a local jail, but in federal custody on related federal charges, the state attorney general would also appear to be a proper respondent in this case. See 28 U.S.C. § 2254, Rule 2(b). Therefore, the proper respondents in this action would be Jeremiah W. "Jay" Nixon, Missouri State Attorney General, and Roy Mueller, superintendent of the St. Louis County Justice Center.

Dated this 4th day of September, 2007.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE